



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/789,909

02/27/2004

Karapet Ablabutyanyan

23451-042

8918

36614

7590

10/20/2006

MANATT PHELPS AND PHILLIPS  
ROBERT D. BECKER  
1001 PAGE MILL ROAD, BUILDING 2  
PALO ALTO, CA 94304

EXAMINER

GREENHUT, CHARLES N

ART UNIT

PAPER NUMBER

3652

DATE MAILED: 10/20/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/789,909

Applicant(s)

ABLABUTYAN ET AL.

Examiner

Charles N. Greenhut

Art Unit

3652

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 24 August 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-5,7-13 and 15-23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5,7-13 and 15-23 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948).
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_.

**I. Request for Continued Examination**

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 8/24/06 has been entered.

**II. Claim Rejections - 35 USC § 102**

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 1-5, 7-13, and 15-23 are rejected under USC § 102(b) as being anticipated by DAVY (US 4,405,279 A).

- 1.1. With respect to claim 1, DAVY discloses a parallelogram linkage (22)/(24), platform (14), active opener arm (100)/(103) configured to engage the platform for movement toward or away from the linkage (Figs. 3-5) the opener arm slidably engaged with a portion of the linkage (e.g., along longitudinal axis of 101/99).

- 1.2. With respect to claims 2-3, DAVY additionally discloses the active opener arm capable of receiving and lifting the platform off the linkage (Fig. 5).

- 1.3. With respect to claims 4, DAVY additionally discloses the arm actuated by lowering or raising the linkage (Figs. 3-5).

- 1.4. With respect to claim 5, DAVY additionally discloses the arm actuated by an actuator (e.g., 14, or with 20).
- 1.5. With respect to claim 7, DAVY discloses a main frame (34) having a lower (at 32) and upper (at 68) frame coupling, a shackle (73) having a lower (at 71) and upper (at 70) shackle coupling, a lower arm (24) rotably coupled to the lower frame coupling and lower shackle coupling, an upper arm (22) rotably coupled to the upper frame coupling and the upper shackle coupling, an upper arm coupling (99) being lower than a horizontal plane defined by the lower arm coupling (107a), the upper and lower frame couplings and the upper and lower shackle couplings substantially forming corners of a parallelogram (fig. 4), upper and lower arms having parallel axis of rotation (Fig. 3-5), active opener arm slidably engaged with the upper arm coupling (e.g., along longitudinal axis of 101/99), rotating the arms causing the active arm to rotate about the lower arm coupling.
- 1.6. With respect to claim 8, DAVY additionally discloses a platform (14/16) coupled to the shackle.
- 1.7. With respect to claim 9, DAVY additionally discloses lowering the arms causing the opener to push the platform away from the arms (Figs. 5-3).
- 1.8. With respect to claim 10, DAVY additionally discloses raising the arms causing the opener to lower the platform toward the arms (Figs 3-5).
- 1.9. With respect to claim 11, DAVY discloses a means for carrying a load (14/16), means for lowering and raising the load (20) and means for assisting a user in stowing and unstowing the means for carrying the load (107), the assisting means (107)

engaging the carrying means (Fig. 5), the assisting means slidably engaged with a portion of the lowering and raising means (e.g., longitudinally on 99)

1.10. With respect to claim 12, DAVY discloses an active opener arm (107) coupled to the parallelogram linkage the active opener arm (107) engaging the carrying means (Fig. 5), the active opener arm slidably engaged with a portion of the lowering and raising means (e.g., longitudinally on 99)

1.11. With respect to claim 13, DAVY additionally discloses the active opener arm rotably coupled to a first portion of the linkage (via 107a).

1.12. With respect to claim 15, DAVY additionally inherently discloses the active opener arm configured to move at a variable rate (e.g., via 94).

1.13. With respect to claim 16-18, DAVY additionally discloses a segmented platform (14)/(16), roller (107), and stop (97).

1.14. With respect to claim 19, DAVY additionally discloses the active opener arm is adjustable in length (e.g., by rotating linkage 101/103).

1.15. With respect to claim 20, DAVY additionally discloses a channel (101).

1.16. With respect to claims 21-23, DAVY additionally discloses a pin (99) slidably engaged within a channel (101).

### **III. Response to Applicant's Arguments**

Applicant's arguments have been fully considered.

1. Applicant argues that claim 1, as amended, patentably distinguishes over DAVY because of the recited sliding engagement. This argument is not persuasive. The pin (107a) and aperture (105) of DAVY are in sliding engagement.

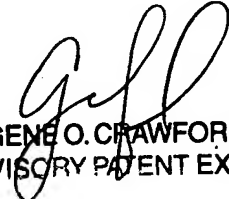
Art Unit: 3652

2. Applicant argues that claim 7, as amended, patentably distinguishes over MCCARTY because the opener arm is not slidably engaged with the upper arm coupling. This argument is persuasive and the rejection over MCCARTY is, therefore, withdrawn. Upon further consideration however, a new grounds of rejection over DAVY is presented above.

#### **IV. Conclusion**

1. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.
2. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles N. Greenhut whose telephone number is (571) 272-1517. The examiner can normally be reached on 7:30am - 4:00pm EST.
3. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eileen D. Lillis can be reached on (571) 272-6928. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.
4. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

CG

  
GENE O. CRAWFORD  
SUPERVISORY PATENT EXAMINER